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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 4 June 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

I have the honour to transmit a statement of the Ministry of Foreign Affairs of Georgia dated 2 June 2009 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the sixty-third session of the General Assembly, under agenda item 13, "Protracted conflicts in the GUAM area and their implications for international peace, security and development".

(*Signed*) Alexander **Lomaia**
Permanent Representative

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Annex to the letter dated 4 June 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Georgia

As far as it is known, an agreement of cooperation was concluded between the Russian company Rosneft and the Sukhumi proxy regime envisaging the conduct of research and prospecting works over the gas and oil fields on the continental shelf of Abkhazia, Georgia, which represents a gross violation of the norms of international law as well as Georgian legislation, in particular:

- Under the 1982 United Nations Convention on the Law of the Sea, Georgia, as a coastal State, exercises sovereign rights and special jurisdiction for the purpose of carrying out economic activity, research works and exploitation of natural resources over the continental shelf and the exclusive economic zone. These rights are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

- Law on Occupied Territories of Georgia, adopted on 23 October 2008, which imposes restrictions on entrepreneurial activity on the occupied territories, including in the sea areas. Besides, the Code of Administrative Offences as well as the Criminal Code of Georgia provide for liability for the violation of national laws both on the continental shelf and in the exclusive economic zone.

- In contrast to the exclusive economic zone and the continental shelf, over which the coastal State (Georgia) exercises only sovereign rights for the purpose of their economic development, it should be emphasized that the territorial sea and internal waters make up the maritime area of Georgia over which Georgia exercises its full sovereignty. The only right that countries other than the coastal State may exercise within the territorial sea of the latter is that of innocent passage.

Therefore, the decision of the Russian Federation to conduct economic activity in the territorial sea and the internal waters of Georgia (across the section of Abkhazia) is a gross violation of international law and contradicts the fundamental principles of the 1982 United Nations Convention on the Law of the Sea.

Georgia, as a State party to the 1982 United Nations Convention on the Law of the Sea, will employ all possible legal measures under the Convention to ensure a fair and peaceful settlement of the dispute in question and prevent illegal economic expansion from the side of the Russian Federation.

Tbilisi, 2 June 2009